

EXHIBIT

EEOC FORM 131-A (11/09)

## U.S. Equal Employment Opportunity Commission

COPY

**BROTHERS PROPERTY MANAGEMENT CORPORATION**  
**Dbu Mountain View Grand Resort & Spa**  
**101 Mountain View Road**  
**Whitefield, NH 03598**

PERSON FILING

Bobbi Sue Baker

THIS PERSON (check one or both)

☒ Claims To Be Aggrieved☐ Is Filing on Behalf of Other(s)

EEOC CHARGE NO.

16D-2016-00207

FEPA CHARGE NO.

EG(H)(R) 0211-16

**NOTICE OF CHARGE OF DISCRIMINATION IN JURISDICTION WHERE A FEP AGENCY WILL INITIALLY PROCESS**  
*(See the enclosed for additional information)*

THIS IS NOTICE THAT A CHARGE OF EMPLOYMENT DISCRIMINATION UNDER

☒ Title VII of the Civil Rights Act (Title VII) ☐ The Equal Pay Act (EPA) ☐ The Americans with Disabilities Act (ADA)  
☐ The Age Discrimination in Employment Act (ADEA) ☐ The Genetic Information Nondiscrimination Act (GINA)

HAS BEEN RECEIVED BY

☐ The EEOC and sent for initial processing to \_\_\_\_\_

(FEP Agency)

☒ The New Hampshire Commission for Human Rights

(FEP Agency)

and sent to EEOC for dual filing purposes.

While EEOC has jurisdiction (upon expiration of any deferral requirement if this is a Title VII, ADA or GINA charge) to investigate this charge, EEOC may suspend its investigation and await the issuance of the Agency's final findings and orders. These findings and orders will be given weight by EEOC in making its own determination as to whether reasonable cause exists to believe that discrimination has occurred.

You are therefore encouraged to cooperate fully with the Agency. All facts and evidence provided by you to the Agency will be considered by EEOC when it reviews the Agency's final findings and orders. In many cases EEOC will take no further action, thereby avoiding the necessity of an investigation by both the Agency and EEOC. This likelihood is increased by your active cooperation with the Agency.

As a party to the charge, you may request that EEOC review the final findings and orders of the above-named Agency. For such a request to be honored, you must notify EEOC in writing within 15 days of your receipt of the Agency's final decision and order. If the Agency terminates its proceedings without issuing a final finding and order, you will be contacted further by EEOC. Regardless of whether the Agency or EEOC processes the charge, the Recordkeeping and Non-Retaliation provisions of the statutes as explained in the enclosed information sheet apply.

For further correspondence on this matter, please use the charge number(s) shown above.

Enclosure(s): Copy of Charge

## CIRCUMSTANCES OF ALLEGED DISCRIMINATION

☐ Race ☐ Color ☒ Sex ☐ Religion ☐ National Origin ☐ Age ☐ Disability ☒ Retaliation ☐ Genetic Information ☐ Other

See enclosed copy of charge of discrimination.

Date

August 29, 2016

Name / Title of Authorized Official

**Kevin J. Berry,**  
**District Director**

Signature

RECEIVED

COPY

EEOC Form 5 (11/09)

AUG 29 2016

NH COMMISSION  
FOR HUMAN RIGHTS

## CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☒ FEPA

EG(H)(R) 0211-16

☒ EEOC

16D-2016-00207

## New Hampshire Commission for Human Rights

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Bobbi Sue Baker

Home Phone (Incl. Area Code)

(603) 259-6528

Date of Birth

Street Address

City, State and ZIP Code

739 Whitefield Road, Bethlehem, NH 03574

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

BROTHERS PROPERTY MANAGEMENT CORPORATION DBA  
MOUNTAIN VIEW GRAND RESORT & SPA

No. Employees, Members

201 - 500

Phone No. (Include Area Code)

(603) 837-2100

Street Address

City, State and ZIP Code

101 Mountain View Road, Whitefield, NH 03598

Name

Brothers Property Management Corporation

No. Employees, Members

201 - 500

Phone No. (Include Area Code)

(305) 285-1035

Street Address

City, State and ZIP Code

2 Alhambra Place, Suite 1280, Coral Gables, FL 33134

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE☐ COLOR☒ SEX☐ RELIGION☐ NATIONAL ORIGIN☒ RETALIATION☐ AGE☐ DISABILITY☐ GENETIC INFORMATION☒ OTHER (Specify)

RSA 354-A

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

11-01-2015

03-10-2016

☐

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

1. I am female.
2. I was hired at Mountain View Grand Resort & Spa as Activities Director in approximately September 2010.
3. In November of 2015 Adam Parker, then Director of Food and Beverage, made inappropriate comments to me and sent me inappropriate text messages, such as "I'm watching you", "You look good", and "I see you on the dance floor".
4. Also in November 2015, Mr. Parker showed up at my residence, uninvited.
5. In December 2015, Mr. Parker placed a sexual card and chocolates in my mailbox.
6. I advised Chris Diego, managing director of the inappropriate comments, messages, and actions by Mr. Parker.
7. Mr. Diego investigated and then terminated Mr. Parker.
8. In November of 2015, Mr. Diego named me Director of Food and Beverage.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

8-25-2016

Date

Bobbi Sue Baker

Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

Kathleen J. Iserman

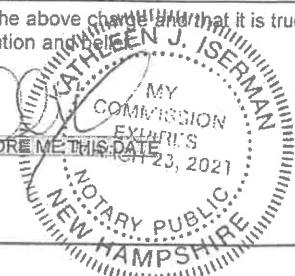
I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

Bobbi Sue Baker

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE

(month, day, year)



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☒ EEOC

16D-2016-00207

**New Hampshire Commission for Human Rights**

and EEOC

State or local Agency, if any

9. In January of 2016, Mathew Gearty was hired as Tavern Director in Food and Beverage.
10. Also in January 2016, I began hearing complaints that Mr. Gearty yelled at other staff and talked rudely about me by commenting, "I don't have to listen to her, she's just a woman chatting", and "She's a bitch".
11. I set up a meeting with Mr. Gearty.
12. Mr. Gearty told me he refused to listen to women.
13. I informed Mr. Diego of Mr. Gearty's statement.
14. Mr. Diego told me to work it out with Mr. Gearty.
15. Staff complaints about Mr. Gearty's conduct continued.
16. On 2/27/16, Mr. Gearty refused to listen to any of my suggestions.
17. At approximately 9:30 PM, Mr. Gearty entered the office where I was meeting with Evan Tassis, Banquet Manager.
18. I asked Mr. Gearty to return to the floor to direct staff.
19. Mr. Gearty refused and said he was going to the dish pit area.
20. I asked Mr. Gearty to leave the premises.
21. Mr. Gearty said, "No. I can't believe you're sending me fucking home."
22. Mr. Gearty then called me a 'fucking bitch' and 'cunt'.
23. The next day, Mr. Gearty returned to work.
24. Mr. Gearty yelled at me, "Get away from me, I am not supposed to talk to you."
25. I asked him to leave the premises.
26. Mr. Gearty raised his voice and said, "You haven't seen the last of me, you'll see."
27. I informed Mr. Diego. He asked the Maintenance Department to check the parking lot and my car, and called the police department to check my home.
28. On or around March 1, 2016, Mr. Diego told me I could have better handled the situation, but that he would continue the investigation.
29. On 3/10/16, Mr. Diego and Tammy Crawford, Financial Controller, came into my office.
30. Mr. Diego said he had to discharge me.
31. I asked him what I had done wrong.
32. Mr. Diego said I was the common denominator in all the incidents.
33. Later that day, I received notice from staff Mr. Gearty had returned to work.
34. After I reported sexual harassment on two occasions (November, 2015 and February, 2016), my employer retaliated by discharging me.
35. I have and continue to suffer damages, including but not limited to lost wages, lost earning capacity, lost employment benefits, emotional distress, humiliation, inconvenience, and loss of enjoyment of life. I seek all damages to which I am entitled.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

8-25-2016  
Date

Charging Party Signature

**NOTARY - When necessary for State and Local Agency Requirements**

Kathleen J. Iserman

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

